

HOUSE No. 804

The Commonwealth of Massachusetts

PRESENTED BY:

William Smitty Pignatelli

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act establishing a snowmobile educational safety program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William Smitty Pignatelli	4th Berkshire
Bruce E. Tarr	First Essex and Middlesex
Todd M. Smola	1st Hampden
Anne M. Gobi	5th Worcester
Jennifer M. Callahan	18th Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 838 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ESTABLISHING A SNOWMOBILE EDUCATIONAL SAFETY PROGRAM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 9 of chapter 90B of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by inserting after Section 9B the following section:--

3 Section 9C. Educational safety program; snowmobiles

4 Section 9C. The division of Environmental Law Enforcement in conjunction with the
5 Snowmobile Association of Massachusetts (S.A.M.) is hereby authorized and directed to
6 establish an educational safety program for the operation of snowmobiles. All persons aged 12
7 and above and born after July 1, 1990 who operate snowmobiles on private or public land and
8 frozen bodies of water, shall be required to successfully complete said program unless he or she
9 is operating on land owned or leased by his or her parents, family or guardian or the operator is
10 the land owner.

11 (A) A person who is required to have a certificate of snowmobile education shall:

12 (i) possess the certificate when operating a snowmobile on public or private lands and frozen
13 bodies of waters of the state, and

14 (ii) show the certificate on demand of an enforcement officer wearing an insignia identifying him
15 or her as a law enforcement officer. However, no person charged with violating this subdivision
16 shall be convicted if the person produces in court, to the officer, or to a state's attorney, a
17 certificate which was valid at the time the violation occurred.

18 (B) The following persons are exempt from the requirements of this section:

19 (i) a person is operating on land owned by his or her parents, family or guardian or the operator
20 is the landowner.

21 (ii) any other person exempted by rules of the division.

22 (iii) any person who is under the direct supervision of a certified snowmobile safety instructor.

23 (C) The director of said division in conjunction with S.A.M. shall establish the program criteria
24 and content and shall determine the minimum safety skills necessary for said persons to operate
25 snowmobiles. State rules shall be adopted to coordinate a statewide program of snowmobile
26 safety instruction and certification and ensure that a course of safety education is available free
27 of charge in appropriate counties of the state.

28 (D) Any course of snowmobile safety education that is offered shall provide a minimum of six
29 hours of instruction.

30 (E) The division or its designee shall issue a certificate of snowmobile safety education to a
31 person who:

32 (i) passes a division prescribed course of snowmobile safety education; or

33 (ii) passes a snowmobile safety equivalency examination administered by persons authorized to
34 offer a course of snowmobile safety education.

35 (F) The division shall provide, without charge, snowmobile safety education materials to persons
36 who plan to take the snowmobile safety class.

37 (G) Once issued, the certificate of snowmobile education is valid for the lifetime of the person to
38 whom it was issued.

39 (H) The division shall replace, with minimal charge, a lost or destroyed certificate if the division
40 issued the certificate or has a record that the certificate was issued.

41 (I) A snowmobile safety certificate issued in another state or country in accordance with or
42 substantially equivalent to criteria of the International Association of Snowmobile
43 Administrators is sufficient to comply with the requirements of this section.